



**STATE OF ALABAMA**  
**PUBLIC SERVICE COMMISSION**  
**P.O. BOX 304260**  
**MONTGOMERY, ALABAMA 36130**

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

**ALABAMA PUBLIC SERVICE COMMISSION**

**v.**

**ENERGY SYSTEMS SOUTHEAST LLC**

**IN RE: Citation to show why further  
action should not be taken against  
Respondent for failure to respond to audit  
inquiries for 2021 United Carrier  
Registration**

**DOCKET 33208**

**ORDER**

**BY THE COMMISSION:**

On December 8, 2020, the Respondent, Energy Systems Southeast LLC, ("Energy Systems") registered and paid its Unified Carrier Registration ("UCR") fees for the 2021 registration year. When a carrier registers in the UCR National Registration System ("NRS"), it has two options on calculating the size of its fleet, upon which the UCR fee is calculated. Option A automatically pulls the fleet size from the latest update to the MCS-150 or MCSA-1 which the carrier has filed with the Federal Motor Carrier Safety Administration. Option B allows the carrier to input the actual number of vehicles the carrier owned or operated during the 12-month period ending on June 30 of the year immediately prior to the registration year. For 2021 UCR registrations, this period would be July 1, 2019 to June 30, 2020. Energy Systems chose Option B and paid for 84 vehicles, which is in Tier 4 of the 6 tiers set by the UCR Plan. Energy Systems last updated its MCS-150 on October 20, 2020 and reported 106 power units. This number of vehicles places Energy Systems in Tier 5 of the 6 tiers of fleet size upon which UCR fees are based. The UCR Plan has adopted Audit Requirements that require states to audit any carrier that would be in Tier 5 or 6, but registers in a lower tier. Because Energy Systems registered in Tier 4 for 2021, they were identified for audit.

Pursuant to Section 37-3-32.1, Code of Alabama 1975, the Commission is the state agency responsible for the administration of the Unified Carrier Registration Act of 2005. Commission Staff has notified Energy Systems that they were required to provide documentation related to its fleet size by letters dated November 2, 2021 and November 29, 2021. To date, Energy Systems has not responded to those letters.

DOCKET 33208 - #2

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That pursuant to the provisions of Section 37-3-7(8), Code of Alabama 1975, as amended, an investigation is hereby instituted to determine whether, in accordance with UCR Plan policy, the UCR registration of Energy Systems Southeast LLC should be suspended.

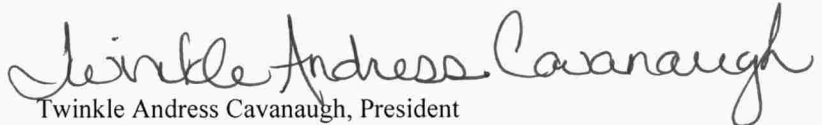
IT IS FURTHER ORDERED BY THE COMMISSION, That Energy Systems Southeast LLC is hereby required and directed to provide the required documentation or show good cause why it should not be required to do so within 10 days of the date hereof.

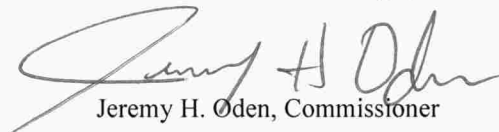
IT IS FURTHER ORDERED BY THE COMMISSION, That Energy Systems Southeast LLC appear at a hearing to be held on Wednesday, March 23, 2022, at 10:00 a.m. in the Commission's Carl L. Evans, Chief Administrative Law Judge Hearing Complex, at 100 North Union Street, Room 900, Montgomery, Alabama 36104, to demonstrate good cause as the why its UCR registration should not be suspended.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 2<sup>nd</sup> day of February, 2022.

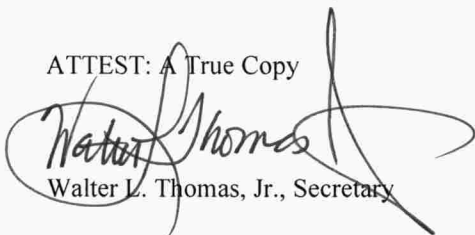
ALABAMA PUBLIC SERVICE COMMISSION

  
Twinkle Andress Cavanaugh, President

  
Jeremy H. Oden, Commissioner

  
Chris "Chip" Beeker, Jr., Commissioner

ATTEST: A True Copy

  
Walter L. Thomas, Jr., Secretary